UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

BERNARDO VILLALVA,

Plaintiff,

-against-

SPAHA PIZZA LLC et al,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
<b>DATE FILED:</b> 10/13/2020

1:20-cv-04491 (KHP)

ORDER OF DISMISSAL

## KATHARINE H. PARKER, United States Magistrate Judge:

In this action under the Fair Labor Standards Act and the New York Labor Law, which is before this Court on the consent of the parties pursuant to 28 U.S.C. § 636(c), the parties, having reached an agreement in principle to resolve the action, have placed their proposed settlement agreement before this Court for approval. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 1999 (2d Cir. 2015) (requiring judicial fairness review of FLSA settlements). The parties have also submitted a letter detailing why they believe the proposed settlement agreement is fair, reasonable, and adequate. (Dkt. 15.) This Court has reviewed the parties' submissions in order to determine whether the proposed agreement represents a reasonable compromise of the claims asserted in this action, and, in light of the totality of the relevant circumstances, including the representations made in the parties' letter, the terms of the proposed settlement agreement, and in light that the settlement was reached through arms-length mediation through this Court's mediation program, it is hereby ORDERED that:

1. The Court finds that the terms of the proposed settlement agreement are fair, reasonable, and adequate, both to redress Plaintiff's claims in this action and to compensate Plaintiff's counsel for their legal fees, and the agreement is therefore approved.

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2. In accordance with the parties' request, this Court will retain jurisdiction over this

matter for the purpose of enforcing the settlement agreement, if necessary.

3. As a result of the Court's approval of the parties' proposed settlement, this action

is hereby discontinued with prejudice and without costs, provided, however, that, within 30 days

of the date of this Order, if any aspect of written documentation of the settlement is not

completed, then Plaintiff may apply by letter for the restoration of the action to the active

calendar of the Court.

4. The Clerk of Court is directed to close this case on the Docket of the Court.

Dated: New York, New York October 13, 2020

SO ORDERED.

KATHARINE H. PARKER

United States Magistrate Judge

Copies to:

All counsel (via ECF)